

ICC Staff Exhibit 40.0 (Jeffrey Hoagg)

Staff witness Hoagg's rebuttal affidavit provides an overall summary of Staff's Phase II conclusions and recommendations. This summary takes into account all evidence and information submitted in this proceeding through March 12, 2003, and is presented in paragraphs 5 -11 of the affidavit.

Mr. Hoagg's affidavit also addresses issues of compliance with the Commission's Phase I Interim Order regarding Checklist Item 4 (Unbundled Local Loops). He concludes that, for purposes of this proceeding, SBC Illinois has demonstrated adequate compliance with Commission Orders in Docket No. 00-0393. He concludes that SBC Illinois also has demonstrated compliance (with one exception) with Commission Orders in Docket No. 01-0614, and that SBC has adequately demonstrated deployment of a single order process (to support CLEC migration from line sharing to line splitting arrangements).

Mr. Hoagg identifies two deficiencies that must be rectified in order for the Commission to find SBC Illinois in full compliance with paragraphs 941 and 968 of the Phase I Interim Order regarding UNE loops. First, SBC Illinois must demonstrate that its tariff provides for the most efficient processes and mechanisms feasible (consistent with safety and reliability considerations) in order to minimize any technically unavoidable service disruptions in CLEC line splitting arrangements. Second, SBC Illinois must demonstrate in surrebuttal affidavits that it provisions line splitting in a nondiscriminatory manner (in compliance with the requirements of paragraph 941 of the Commission's Phase I Interim Order). SBC Illinois must demonstrate that parity exists in the provisioning of comparable line splitting and line sharing functionalities, and where specific operational or network considerations impede direct parity, comparability is achieved sufficient to ensure nondiscrimination. Mr. Hoagg recommends that if SBC fails to satisfy these two requirements to the

Commission's satisfaction, the Commission should decline to endorse SBC Illinois' Section 271 application.

ICC Staff Exhibit 41.0 (Sam McClerren)

Mr. McClerren's rebuttal affidavit concludes that SBC Illinois' PM data fails to demonstrate compliance with significant Section 271 Checklist items. While Mr. Ehr provided useful information that enabled Staff to reassess its original position regarding PMs 5, 29, 35, and CLEC WI 11, there are still 17 PMs for which SBC Illinois' performance remains inadequate and has to be improved. Further, Staff considers these failures to be significant relative to the development or maintenance of a competitive telecommunications market.

At the PM level for remedied measures, SBC Illinois failed to provide 29.9% of the 122 PMs in a non-discriminatory manner. At the sub-measure level for remedied measures, SBC Illinois' failed to provide 12.8% of the 484 sub-measures in a non-discriminatory manner. Mr. McClerren makes clear, however, that Staff's analysis is not driven by the attainment of an arbitrary, certain threshold level. Staff has never contended that the overall performance level has to be at 95%, or any other such number, to demonstrate non-discriminatory service, because any number is subjective. Rather, Staff is much more concerned about the important wholesale performance measures that SBC Illinois continues to miss. These are:

SBC Illinois' Key PM's Requiring Improvement		
PM Number	PM Description	ICC Staff Exh. Citations
7.1	Percent mechanized completions returned within one day	31 & 43

10.1	Percent mechanized rejects returned within one hour.	31 & 43
10.2	Percent manual rejects received electronically and returned with 5 hrs	31 & 43
10.3	Percent manual rejects received manually and returned with 5 hrs	31 & 43
17	Percent of on-time service orders in both ACIS and CABS that post within a 30-day billing cycle	30 & 42
37	The number of trouble reports per 100 lines	29 & 41
55	Average Installation Interval for N,T and C orders	32 & 44
56	Percent Installations Completed Within Customer Requested Due Date	32 & 44
59	Percent network trouble reports within 30 days of installation	32 & 44
62	Average Delay Days for Company caused Missed Due Dates	32 & 44
65	Trouble Report Rate per 100 UNEs	32 & 44
66	Percent Missed Repair Commitments	32 & 44
67	Mean Time to Restore	32 & 44
104	Average time required to update 911 database (facilities based carrier)	36 & 48
MI-2	Percent of orders given jeopardy notices within 24 hours of the due date	29 & 41
MI-14	Percent completion notifications returned within "X" hours of completion of maintenance	29 & 41
C WI-6	Percent form A received with the interval ordered by the Commission	32 & 44

Mr. McClerren concludes that, for several significant reasons, it remains reasonable to deduce that this is "as good as it gets" as far as SBC Illinois wholesale service quality goes. It also remains reasonable to presume that if this Commission does not take some action, the 17 significant misses described below may never be satisfactorily addressed.

Mr. McClerren also provides Staff's assessment of each of the 14-point checklist items relative to PM performance. As shown in the table below, Staff's analysis indicates that, overall, the three months PM data supplied by SBC Illinois does not support its assertion that it has complied with the requirements of checklist items 2, 4, 7, and 14. Additional detail on each PM is provided in the affidavits of various Staff witnesses.

Staff's 14-Point Checklist Assessment	
Checklist Item 1 – Interconnection/Collocation	Pass
Checklist Item 2 - Access to Network Elements - OSS	Fail
Checklist Item 3 - Access to Poles, Ducts, Conduits, and Rights of Way	Pass
Checklist Item 4 - Unbundled Local Loops	Fail
Checklist Item 5 - Unbundled Local Transport	Pass
Checklist Item 6 - Unbundled Local Switching	Pass
Checklist Item 7 - 911, E-911, Directory Assistance, and Operator Services	Fail
Checklist Item 8 – White Pages Directory	Pass
Checklist Item 9 - Access to Telephone Numbers	Pass
Checklist Item 10 - Nondiscriminatory Access to Databases/Associated Signaling	Pass
Checklist Item 11 - Number Portability	Pass
Checklist Item 12 – Dialing Parity	Pass
Checklist Item 13 – Reciprocal Compensation	Pass
Checklist Item 14 – Resale	Fail

Mr. McClerren concludes that, based on Staff's PM data review, the Company should not be granted a positive Section 271 recommendation by this Commission.

If the Commission finds, notwithstanding Staff's recommendation, that SBC Illinois has met the applicable Section 271 requirements, then the ICC should order the Company to make those improvements as ordered in the Michigan 271 proceeding.

ICC Staff Exhibit 42.0 (Genio Staranczak)

Staff witness Staranczak's rebuttal affidavit responds to comments filed by SBC Illinois with respect to the statistical guidelines used by Staff to evaluate SBC Illinois performance measurement results. Mr. Staranczak asserts that circumstances and particular facts will determine whether Staff witnesses choose to adhere to the guidelines or not. SBC Illinois should not be surprised that Staff witnesses arrive at different conclusions than those reached by the company. Further, Mr. Staranczak describes why he finds SBC Illinois' explanations for its failure to meet the parity standards for performance measure 17 unsatisfactory.

ICC Staff Exhibit 43.0 (Nancy Weber)

Staff witness Weber's rebuttal affidavit responds to comments filed on March 3, 2003 by SBC Illinois and comments upon affidavits filed by several competitive local exchange carriers (CLECs) on February 21, 2003.

Ms. Weber addresses six specific items in her reply affidavit: (1) SBC Illinois' Phase 1 compliance with respect to line loss notifications; (2) SBC Illinois' operational deficiencies as reported by BearingPoint and the CLECs; (3) the reliability of SBC Illinois' performance measurement data; (4) whether these data should be relied upon as evidence of compliance with the Section 271 14 point checklist and or to demonstrate future compliance; (5) SBC Illinois' three months of performance measurement results for pre-ordering and ordering performance measurements; and (6) two performance measurement disputes resulting from

the last six-month review collaborative (which parties agreed to resolve in this proceeding).

Ms. Weber concludes the following: (1) SBC Illinois has not implemented all of Staff's recommendations with respect to line loss notifications that this Commission found to be reasonable in the Phase 1 interim order; (2) SBC Illinois' performance, as reported by BearingPoint during its independent third party review, is not sufficient with respect to five aspects of SBC Illinois' OSS (relating to its Ordering, Provisioning, Maintenance and Repair, and Billing functions); (3) the billing concerns of the CLECs must be resolved; (4) SBC Illinois' performance measurement data is neither accurate nor reliable and should not be used as evidence of SBC Illinois' compliance with the Section 271 14-point checklist. Further, this Commission should not rely upon SBC Illinois' performance measurement data, which is the input to SBC Illinois' performance remedy plan (anti-backsliding plan), to demonstrate or ensure future compliance by the company; (5) the three months of performance measurement data submitted by the company in support of checklist (ii) does not demonstrate that SBC Illinois is providing non-discriminatory service to the CLECS (with respect to the ordering performance measures); and (6) WorldCom's performance measure six-month collaborative dispute requests to have remedies assigned to MI 13.1 and MI 12 should be denied.

ICC Staff Exhibit 44.0 (Jim Zolnierrek)

Staff Witness Zolnierrek responds to the rebuttal affidavit of SBC Illinois Witness Ehr as it pertains to SBC Illinois' compliance with Checklist Item (iv) – Unbundled Local Loops. He addresses four specific issues: (1) whether the Company returns FMOD unbundled stand-alone DSL loop Form A notifications within timeframes established by the Commission, (2) whether the Company provides unbundled DSL loops with linesharing installation quality and repair and

maintenance service at parity, (3) whether the Company provides unbundled voice grade loop installation at parity, and (4) whether the Company installs unbundled voice grade, BRI, and DS1 loop at parity when the FMOD process is used. Dr. Zolnierек concludes that the Company must take remedial action with respect to three issues: (1) whether the Company returns FMOD unbundled stand-alone DSL loop Form A notifications within timeframes established by the Commission, (2) whether the Company provides unbundled DSL loops with linesharing installation quality and repair and maintenance service at parity, and (3) whether the Company provides unbundled voice grade loop installation at parity.

Dr. Zolnierек also responds to the rebuttal affidavits of SBC Illinois' Witnesses Alexander, Ehr, and Silver regarding Phase I Compliance Issues. In particular he addresses: (1) whether the Company has satisfied the Commissions Phase I directive regarding tariff and interconnection agreement opt-in issues, (2) whether the Company has satisfied the Commission's Phase I directives regarding EELs performance measurement issues, and (3) whether the Company has satisfied the Commission's Phase I directives regarding UNE combination rate clarity issues. He concludes that the Company's proposed remedial actions with respect to tariff and interconnection agreement opt-in issues and rate clarity issues resolve these issues if implemented properly. However, he concludes that further remedial actions are required of the Company with respect to EELs performance measurement issues.

ICC Staff Exhibit 45.0 (George Light)

Staff witness Light's rebuttal affidavit addresses comments submitted by Interveners and SBC Illinois concerning Performance Measures associated with Operator Services / Directory (portions of Checklist Item 7), Number Administration (Checklist Item 9) and Local Number Portability (Checklist Item

11). Mr. Light's initial conclusions regarding these performance measures for Checklist Items 7, 9 and 11 remain unchanged. He concludes that SBC Illinois provides acceptable service levels for the performance measures and sub-measures associated with Operator Services / Directory Assistance, Number Administration and Local Number Portability.

ICC Staff Exhibit 46.0 (Russell Murray)

Staff witness Murray's rebuttal affidavit responds to Affidavits submitted by Intervenor and SBC Illinois concerning Performance Measures associated with Interconnection Trunks (from Checklist Item (i)), and Poles, Rights-of-Way, and Conduits (Checklist Item (ii)). He also addresses the Phase I issue of Nondiscriminatory Access to Databases and Associated Signaling Necessary for Call Routing and Completion, in particular Access to the CNAM database (Checklist Item (x)).

Mr. Murray's initial conclusion concerning Performance Measures associated with Interconnection Trunks remains unchanged. He concludes that SBC Illinois provides adequate service for the 32 performance sub-measures associated with interconnection trunks. He does not disagree with SBC's position that the Company has met the requirements for the two performance measures associated with access to poles, right-of-way, and conduits. Finally, he concludes that SBC Illinois has satisfied the Phase I Order for Access to the CNAM database (Checklist Item (x)) directive set forth in Paragraph 1305.

ICC Staff Exhibit 47.0 (A. Olusanjo Omoniyi)

Staff witness Omoniyi's rebuttal affidavit responds to SBC Illinois' Witness Alexander's March 3, 2003 affidavit regarding two issues: whether the Company is complying with state collocation requirements and whether the Company is providing an Illinois specific safety-compliant equipment list (i.e., equipment that

CLECs can collocate in SBC Illinois premises). On February 27, 2003, in response to a February 21, 2003 Staff data request, SBC provided lists of all collocation projects completed between July 2002 and January 2003. SBC Illinois stated that it has not, on the basis of the type of equipment CLECs have requested to collocate, rejected any collocation project applications since June 11, 2002. Also, on February 28, 2003 SBC Illinois also addressed the Commission's Phase 1 Order requirement that SBC identifies on its website all safety-compliant equipment on its equipment list within Illinois premises. SBC Illinois created what it labeled as the Illinois Safety Compliant Equipment List (ISCEL) (an all safety-compliant equipment list) on its website to replace the previous All Equipment List (AEL). The new ISCEL includes a modified list of SBC Illinois-owned equipment in its Illinois central offices. In addition, the list contains all CLEC-owned equipment in SBC's entire 13-state territory as SBC Illinois claims it could not separately list the Illinois-specific CLEC equipment in its databases. However, SBC Illinois asserts that for collocation purposes, it deems all of the listed CLEC equipment as safety-compliant equipment in Illinois. SBC Illinois contends its approach with respect to the new ISCEL provides carriers with a list that can be used to make deployment decisions in Illinois, but protects CLEC specific information associated with any CLEC that considers its equipment deployment decisions on a state-specific basis to be proprietary. Based on the information provided by SBC Illinois on these two issues, Mr. Omoniyi concludes that SBC Illinois has met both the collocation requirements and Illinois specific safety-compliant equipment requirements.

ICC Staff Exhibit 48.0 (Marci Schroll)

Staff witness Schroll's rebuttal affidavit responds to comments made by intervenors and SBC Illinois concerning performance measures regarding 9-1-1 services. She remains unconvinced that SBC Illinois is meeting Checklist item 7 by providing non-discriminatory access to 9-1-1, and shows that SBC has not

been consistent in meeting PM 104 (which measures the average time to update the 9-1-1 database for SBC Illinois versus CLECs). Ms. Schroll analyzes the arguments provided in the rebuttal affidavit of SBC witness Ehr concerning why SBC Illinois was unable to achieve parity in this standard. He argues that because SBC Illinois meets the National Emergency Number Association (NENA) industry standard (for average time in updating the 9-1-1 database), SBC is adequately providing non-discriminatory service to its competitors. Ms. Schroll agrees that meeting the NENA standard is important, but points out that parity is the designed benchmark in this proceeding. She concludes that SBC Illinois must meet this standard before she would find that Checklist item 7 is being satisfactorily met.

ICC Staff Exhibit 49.0 (Robert Koch)

Staff witness Koch's rebuttal affidavit responds to the rebuttal affidavit of SBC Illinois affiant W. Karl Wardin. Mr. Koch finds that SBC has sufficiently satisfied Staff's concerns regarding the CNAM database and true-up language for interim tariffs. Additionally, Mr. Koch finds that certain dark fiber mileage rates and sub-loop line connection charges are not reasonable. Mr. Koch identifies alternative interim rates for these services that, if adopted by SBC Illinois, would bring the Company into full compliance with the Commission's rate requirements regarding Checklist Item II.

ICC Staff Exhibit 50.0 (Melanie Patrick)

Staff witness Patrick's rebuttal affidavit concludes that the recommendations in her initial affidavit are unchanged by the rebuttal filings of SBC Illinois and filings of other parties. Dr. Patrick concludes that the performance remedy plan proposed by SBCI is insufficient to ensure good performance by SBCI in a post-

Section 271 environment. The plan fails to meet FCC criteria, and has significant functional shortcomings that render it ineffective for purposes of an Illinois performance remedy plan. Dr. Patrick reiterates her initial recommendation that the Commission should consider the performance remedy plan ordered in ICC Docket 01-0120 the most suitable plan for Section 271 purposes, and should require the Company to adopt the Commission-ordered plan in its 271 application.